

12-28-04

TO: MR GEORGE DORN
INTERIM EXECUTIVE DIRECTOR
OFFICE OF THE EXECUTIVE DIRECTOR
P.O. DRAWER 11649
S.C. PUBLIC SERVICE COMMISSION
PH:1 803 896 5713/5230; FAX 1803 8965231

FROM: NAME: BEATRICE WEAVER
ADDRESS: 1253 HARLLEES BRIDGE ROAD, DILLON S.C. 29536
PHONE #: 1 843 841 1606
TELEFAX #: 1 843 841 1606

SUBJECT: RE PETITION FOR INVESTIGATION AND ORDER FOR
SERVICE CONNECT

REF: Progress Energy

DATE: December 21, 2004

SIR:

Attached herewith is my Petition Of Beatrice E. Weaver To Investigate
Disconnect Of Service By Progress Energy Carolinas, Inc., And For An Order To
Connect Electricity to my residence which it illegally disconnected on December 21,
2001.

The attached Exhibits are submitted as additional support to the Petition. *inclg -
AFFIDAVITS OF BEATRICE WEAVER & GARY WEAVER*
Please be advised that I am submitting my case for formal review by the respective
standing committees of the General Assembly in the coming Session, and for review
by the media. I am fed up with Progress Energy.

Your immediate attention to this Petition is requested.

Thank you.

cc: Len Anthony, Esq.
General Counsel
Progress Energy



BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

December 20, 2004

In the Matter of)	PETITION OF BEATRICE E.
)	WEAVER TO INVESTIGATE
Petition of Beatrice E. Weaver To)	DISCONNECT OF SERVICE
Investigate Disconnect Of Service By)	BY PROGRESS ENERGY
Progress Energy Carolinas, Inc. And)	CAROLINAS, INC. AND FOR
For An Order to Connect Electricity)	AN ORDER TO CONNECT
)	ELECTRICITY

**PETITION OF BEATRICE E. WEAVER TO INVESTIGATE
DISCONNECT OF SERVICE BY PROGRESS ENERGY CAROLINAS, INC.,
AND FOR AN ORDER TO CONNECT ELECTRICITY**

Comes now Beatrice E. Weaver ("Petitioner") and pursuant to the rules of the Public Service Commission of South Carolina, ("PSC"), hereby petitions the PSC to:

A. Investigate the illegal disconnect of electric services to the residence of Petitioner at approximately 2.00. p.m., on Friday, December 21, 2001, carried out on the express illegal ex parte verbal communication of the Executive Director, Mr. Gary Walsh to Progress Energy Carolinas, Inc (formerly Carolina Power and Light, Inc), ("PEC");

B. Investigate the subsequent denial of PEC to provide electricity to Petitioner who is without recourse to this discriminatory, arbitrary and illegal practice;

C. Investigate the subsequent malicious harassment, nuisance, emotional stress, lies, and manipulations associated with PEC's continued denial of service to Petitioner since July 2002; and

D. For an Order instructing PEC to immediately connect electric service to Petitioner's residence at 1253 Harllees Bridge Road, Dillon S.C. 29536, and to cease and desist from further nuisance and harassment of petitioner.

This Petition is timely filed and based on the facts, the files, history and record of Petitioner's relationship with PEC and the PSC, Exhibits A,B, and C attached hereto which are true and correct copies of originals and the testimony of Petitioner.

Grounds for this Petition are medical necessity, PEC's illegal violations of State statutes and Commission rules to be shown during process and Hearings, and the grounds contained in the exhibits attached hereto and by reference made part hereof.

The PSC has original jurisdiction over the subject matter and person in this matter.

DATED: Little Rock, Dillon County, South Carolina, December 21, 2004



Beatrice Weaver, Petitioner Pro Se
1253 Harlees Bridge Road,
Dillon S.C. 29536
Ph/Fax: 843 841 1606

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

December 20, 2004

In the Matter of)	AFFIDAVIT OF BEATRICE E.
)	WEAVER; CERTIFICATE OF
Petition of Beatrice E. Weaver To)	SERVICE; EXHIBITS A-E
Investigate Disconnect Of Service By)	
Progress Energy Carolinas, Inc. And)	
For An Order to Connect Electricity)	
)	

AFFIDAVIT OF BEATRICE E.WEAVER

County of Dillon)	
)	SS.
State of South Carolina)	
)	

BEATRICE E. WEAVER, being first duly sworn upon her oath, hereinafter
“Affiant”, deposes and says as follows:

I have resided at 1253 Harllees Bridge Road, Dillon, S.C. 29536 since January 1995. My mailing address is P.O. Box 539, Little Rock SC 29567. I am a retired Senior Citizen and in extremely poor health. I make this affidavit from personal knowledge and belief of the facts of the case, and not for any improper purpose or to cause unnecessary delay in proceedings, or needless increase in the costs of this or any other case before the Commission as to the parties herein. I am competent to make this deposition. I allege and

aver that the facts are as follows and as stated in **Exhibits A-E** attached hereto which are true and correct copies of the original documents and by reference are made part hereof.

1. Affiant is a Petitioner Pro Se in the above titled Petition.
2. Affiant and Mr. Gary Weaver separated as of July 21, 2002. It is the latest in a number of such separations that have occurred over the years. Since then, Mr. Weaver is in Florence S.C., and in Arizona, but visits me as needs be due to my ill health which is steadily deteriorating, driving me to medical appointments, shopping, and so forth.
3. Mr. Weaver also makes a point to be at my address during the first week of every month when Progress's meter readers are scheduled to read the meters on two properties located at 1249 and 1261 Harllees Bridge Road, Dillon S.C.
4. The agent for Progress, TrueCheck, is constantly changing its meter reader personnel, almost on a regular monthly basis; newly appointed meter readers are never properly briefed before inspections on location of the meters and how to access the properties as provided by Affiant; the meter readers are not properly trained to do their job and poorly supervised. As a result they do not do their job and are negligent, a nuisance, and repeatedly harass Affiant. Several of Progress's readers have apparently fabricated stories as to their so-called inability to access said properties, and have made erroneous claims that Affiant prevents them from reading the meters. The readers and their supervisors have also defamed, slandered and libeled Affiant.

Affiant has no physical contact with the meter readers. The barking of dogs generally advises Affiant of their presence on the property if and when Mr. Weaver is not present.

The readers never seem to know how to access the properties in accordance with repeated directions provided by Affiant and Mr. Weaver; do not know where to go, and how to find the meters which are easily available on the properties. Moreover, on occasion they just simply drive away without doing their job.

Affiant can hardly walk let alone prevent the meter readers from doing their job properly as required by Commission rules, which they constantly violate. For example, the meter readers never have proper identification on them and never present it when visiting the property as required by Commission rules.

5. The contract to provide electric services to my residence at 1253 Harllees Bridge road, Dillon S.C. 29536 was executed in 1994 by the law firm of Daniel H. Shine. At the request of Gary Weaver, the said law office arranged the contract by and between Mr. Weaver and Carolina Power and Light Company to provide electric services to the property located at 1253 Harllees Bridge Road, Dillon S.C., at that time under lease to Mr. Weaver from the entity that purchased the property. Affiant was in Europe some 12, 000 miles away at that time.

6. Affiant was not originally, never has been and is not now, a party to any contract for electric services from Progress Energy Carolinas, Inc ("Progress"). Affiant has no responsibility, liability nor obligation for any debt to Progress. Affiant only came to live at the said property in 1995 many months after Mr. Weaver occupied the premises and contracted for the electricity in his name alone.

7. Affiant knows and should have known that Mr. Weaver has in the past disputed many times the charges in the account, and has never refused to pay any legitimate amount that may be due and payable to Progress. Affiant knows that Mr. Weaver has re-

iterated many times on record, his willingness to pay whatever is legitimately due Progress, subject to a proper accounting which has never be made, and refused to be made by Progress.

Affiant knows this position has been communicated to Progress and its Agents many times since December 21, 2001 when Progress illegally disconnected electric service for Mr. Weaver at 1253 Harllees Bridge Road, when he was living here, and when Progress illegally claimed an incorrect amount due, and refused then and since to provide a proper accounting. That issue is now in Court in Dillon County.

Progress cannot provide a correct accounting for its claim which in fact represents a bundle of separate accounts including regulated and non-regulated accounts. Regulated accounts may be disconnected and non-regulated accounts may not for any alleged breaches or non-payments.

8. Affiant has never received any demand or billing or request to pay any debt from Progress at any time since December 21, 2001.

9. For personal, health and business reasons, Mr. Weaver left the property on or about July 21, 2002 moving to an address in Florence and also in Arizona. On several occasions since then in the intervening period, Affiant has requested Progress to open a new account in her own name and connect the electric power at 1253 Harllees Bridge Road.

10. Progress has repeatedly, illegally denied Affiant the use of electricity since December 21, 2001 and has thus endangered Affiant's health, mental and emotional state, quality of life, security of person and property, and prevented her gainful utilization of the property through room rentals to create income. Progress knew and should have

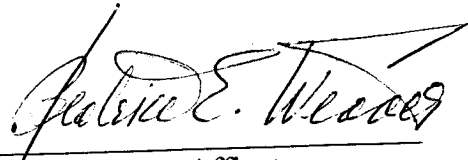
known of these adverse consequences of their deliberate, malicious and vindictive actions which have become increasingly harassing, and a nuisance. Progress has engaged in an on-going pattern and practice of adverse activities in this case, thus constantly increasing the emotional stress and illness of Affiant.

11. Progress knows and should know that there is no meter in operation at 1253 Harllees Bridge Road since December 21, 2001. Progress actually physically removed the inactive meter on its own initiative on November 29, 2004. Progress and its meter readers have been told of this many times. Power was illegally disconnected on Friday, December 21, 2001 and Progress has refused to connect for Affiant since that date. Progress has been told many times how to access via the normal and customary route the disconnected meter and the two other meters located on the separate adjoining properties serviced by Progress. Progress and its meter readers repeatedly violate Commission rules and Affiant's instructions to them in that regard, causing on-going, repeated and deliberate malicious and vindictive nuisance, inconvenience and harassment of Affiant and aggravating her health problems.

12. Over the past three years, Affiant has caused her physicians to duly comply with Progress' requirements for documentation of her adverse medical condition. For three successive years Progress has violated Commission rules and ignored the poor medical condition of Affiant and refused to provide electric service during the cold winter months. In this regard, and in other matters noted hereinabove and in the attached exhibits, Progress has demonstrated a continuing pattern and practice of violating Commission rules, and bad faith in dealing with Affiant since December 21, 2001.

Affiant has had no contract with Progress concerning power service to her residence, and does not owe Progress any money.

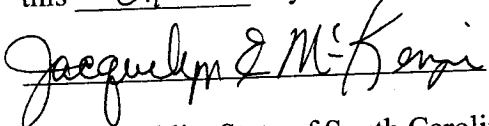
Further, Affiant sayeth naught.



Beatrice Weaver, Affiant

Subscribed and sworn before me

this 21st day of December, 2004.



Notary Public, State of South Carolina

My Commission expires: 2-8-06

her existing poor health conditions. I understand that the SC Public Service Commission rules provide for

Dillon Internal Medicine Associates, P.A.

705 N. 8th Avenue, Suite 1A
Dillon, South Carolina 29536

Telephone (843) 774-2478
1-800-476-3011

James P. Wallace, M.D.
James J. Kelly, M.D.
Clifford E. Medina, M.D.

Brandy Bryant - Herndon, FNP
Joanie Price, Office Manager

December 13, 2004,

To Whom It May Concern:

RE: Beatrice Weaver

Mrs. Beatrice Weaver is my patient and I have been her primary physician for some ten years.

This Certificate of Medical Necessity is issued in support of Mrs. Weaver's application for immediate electric power supply.

Mrs. Weaver was recently diagnosed with carcinoma. Her surgery of November 23rd, 2004 performed by Dr. Campbell is to be followed with diagnostics including MRI scheduled for Thursday, December 9, 2004 at McCloud Hospital. That is to be followed with additional diagnoses and processes scheduled for December 14, 2004 by oncology specialists at Duke Medical Center, in NC.

It is imperative and non-negotiable to her health that Mrs. Weaver must have standard 220 Volt electric power supply service to her residence at 1253 Harllees Bridge Road. Her bedroom and all of her medical equipment and bathroom are located on the second floor of the house. She can no longer mount the two dozen stairs leading to her quarters and the electric elevator requires 220 V power to active.

EXHIBIT "A"

Mrs. Weaver is visually impaired, had breathing problems and partially physically immobile as a result of a stroke she suffered at the end of Winter 2002. She received home health care assistance and recovered partially, but her present status is that of "handicapped". Deprivation of electric service has severely aggravated her medical condition.

Mrs. Weaver is unable to obtain household help because the workers will not work where there is no 220 V power for appliances and clothes dryer.

Any further deprivation of standard electric power during the winter months will constitute a threat to her existing poor health conditions. I understand that the SC Public Service Commission rules provide for electricity service to ailing elderly during winter months. This patient may not be deprived of the necessity of electric power.

Please address any further inquiries to this office, in writing.

Sincerely,


Phil Wallace, MD

Exh. "A" p2

Senior Citizen Dies After Power Gets Cut Off

Fri Dec 17, 7:47 PM ET

Several Upstate lawmakers say they will investigate why power was cut off at the home of an 89-year-old Greenville woman who died from exposure to the cold.

Fountain Inn Sen. David Thomas wrote Duke Power Thursday questioning the utility. Thomas says he is not accusing the Charlotte, N.C., utility of wrongdoing.

Police found Elizabeth Verdin's body Monday. Her power had been cut off December 6.

Duke spokesman Tom Pettit says the utility tried to contact Verdin before it turned off her power due to nonpayment. Pettit says she failed to respond. He says the company has a program for people unable to pay bills.

Pettit says temperatures were mild when service was cut off.

The company says it has called for a moratorium on all electrical cutoffs until it finishes an internal review of its procedures.

There are no state regulations preventing utilities from disconnecting power.

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EXHIBIT "B"

http://news.yahoo.com/news?tmpl=story&cid=401&u=/wdiv/20041218/lo_wyff/2502468... 12/18/2004

Fax To: S.C. Office of Regulatory Staff
PO Box 11263
Colombia, SC 29211
Ph: 1 803 737 0800; 1 800 922 1531; Fax 1803 737 4750

Attention: Mr. Chad Campbell
Investigator II
Consumer Services Dept.

From: B.E. Weaver
1 843 841 1606

Subject: **Request for Electric Service to 1253 Harllees Bridge Road.**

Ref: Progress Energy
File No: 2004-219 - E
Meter No. B 91771

Date: Tuesday, Dec. 21, 2004

Mr. Campbell:

This memorandum is filed for the record in response to yours dated December 15, 2004 concerning my request to have electric service connected to my residence at 1253 Harllees Bridge Road...

1. Your memorandum is totally incorrect. You have been misinformed. The PSC Order you refer to does not have anything to do with disconnect of service. **There is no PSC Order for disconnect of service to this residence.** This particular illegal disconnect of service is a travesty of civility, law and order in this State; it destroyed my health, denied me income, and virtually ruined my personal and professional life for the last three years, not to mention the nuisance, harassment and malicious damage and emotional stress that I hold Progress accountable for..
2. If there is such an Order please send me a copy of same.
3. The PSC Order No. 2001-1095 dated December 5, 2001 you refer to relates to an account for Mr. Weaver, whereby the PSC incorrectly "deemed" that a certain amount was due Progress Energy, based on another previous incompetent and incomplete "investigation" by your present Manager. Mr. Weaver complained about the manufactured fees charged and lack of service. The Commission instead responded to CP&L's claim of an alleged debt owed.
4. Subsequently, Progress Energy illegally disconnected service on December 21, 2001 on the rubric of an alleged non-payment for an entirely different amount, on several non-regulated accounts in good standing, with the illegal ex parte communication

EXHIBIT "C"

approval of the then Executive Director of PSC, Mr. Gary Walsh. Progress Energy violated several PSC rules in doing so and has yet to be held accountable for same.

On that point you are referred to Progress Energy's continued and repeated violations of several rules as stated in the Consumer Bill of Rights of which you mailed me a copy, State Statutes, and PSC rules. Specific violations by Progress Energy include the following, inter alia, which your Office and the PSC continue to ignore:

1. CP&L/Progress illegally disconnected all electric services to 1253 Harlees Bridge road, Dillon S.C. – i.e., regulated electricity, non-regulated area security lights, surge protectors, security alarm systems, telephone, etc., on Friday, December 21, 2001 at 1.00 p.m., on the eve of Christmas, while Mr. Weaver's billing payment was in fact due by December 30, 2001 to make the payment pursuant to the monthly billing statement;

2. Progress did not give the proper prior disconnect notices as required by PSC rules; i.e., 2, 5, and ten days, etc to make payment arrangements; Progress in fact lied to the Commission stating it posted a notice on the front door of the residence, when in fact it was physically impossible to do so at that time.

3. Progress' Pam Hardy in fact denied a payment plan as provided for under the PSC rules, previously submitted by Mr. Weaver in good faith, by way of her telefax message at 12.55 p.m.; and CP&L disconnected power at 1.00 p.m. on December 21, 2001 while the said telefax was coming in demanding also cash payment of some \$3,000 at its agent Carls located in Dillon 5 miles away ; by that time the CP&L truck with a Deputy Sheriff in tow was at the front gate; if not illegal, such action was certainly unethical or worse; Progress field staff disconnected service on a Friday, at 2.00 p.m. against every single PSC rule in the book;

4. Progress disconnected in violation of the medical necessity rules, and has subsequently continued to violate this PSC rule; medical certificates of necessity being duly filed with the company, and a pending heavy snow storm, all in violation of the rules;

5. Progress personnel came to my office, used my phone in my presence to call Gary Walsh, Executive Director of PSC who was waiting in his Office at 2.00 p.m. on a Friday afternoon prior to the Christmas break, and requested his permission to disconnect the area security lights and the surge protector system. In my very personal presence, Mr. Walsh gave his personal approval to disconnect in an illegal ex parte communication, thus violating the State statutes and PSC rules on that issue.

6. Progress terrorized an elderly ailing woman by bringing a Sheriff Deputy to the property at 1.00 p.m. to supervise the disconnect, while sending a telefax to Mr. Weaver at 12.55 p.m. to pay \$3,000 cash to Carls in Dillon by 12.00 noon, in violation of the PSC rules, and as stated above, payment was not due until December 30, 2001.

5. Your assertion that the disconnect was for non-payment of an outstanding balance relates to Mr. Weaver who has disputed the amount claimed consistently since December 21, 2001. At the same time Mr. Weaver who is the only person liable on the contract with CP&L, on several occasions has stated verbally and in writing his full responsibility, for payment of any amount due, subject to a proper reconciliation of the accounts which

Progress Energy has consistently refused to provide to date, and in fact is unable to provide. That matter is now in Court.

6. Thus illegally and incorrectly, Progress Energy staff has continued to deny me electric service under the "doctrine of necessities" which states that a wife is responsible for a husband's non-payment of a debt. This obsolete doctrine is unconstitutional as to discrimination and women's rights, in any case, and simply designed to protect utilities in an era that no longer exists in this State. I shall pursue that aspect relentlessly.

Mr. Weaver, who was responsible alone for the services contract which was initially set up by the Law Firm of Daniel H. Shine for him, has not denied responsibility for, nor payment of any debt. He has merely questioned the amount claimed due by the utility, stating he is ready, willing and able to pay the correct amount which Progress refuses to discuss. Progress' staff knows of that fact.

7. As noted above, in this case Progress has also violated PSC rules in denying me service needed on medical grounds, for three successive years. On that point I draw your attention to the recent event in Greenville S.C., where Duke Power disconnected another elderly women's power and she died from cold. I am bringing my case to the attention of the members of the General Assembly who are investigating Duke Power's disconnect practices. I am requesting the investigation to be broadened to include Progress Energy's disconnect practices in Dillon County, S.C., and the lack of consumer protection and regulatory oversight of same by the PSC and the ORS.

8. Furthermore, Progress Energy has caused me considerable economic loss of a good income since July 2002 by denying me the use of my residence for room rentals. Further, I was subjected to real exposure of person and property to security risk by Progress' denying area security lights and burglar alarm system, telephone, surge protection, and computerization.

Also I was denied electric power for my water well pump and had to resort to TRICO water supply at considerable expense through no fault of mine, and I shall charge this to Progress as damages at the appropriate time.

Note that Mr. Weaver officially changed his residence here in July 2002 to Florence and Arizona in December 2003, for personal, business and health reasons. This property is titled in my own name. Progress Energy and the PSC have been given repeated and ample notice of these events.

This particular illegal disconnect of service is a travesty of civility, law and order in this State; it destroyed my health, denied me income, and virtually ruined my personal and professional life for the last three years; not to mention the nuisance, harassment and malicious damage and emotional stress, and the tremendous amount of time, effort, expense and stress that I hold Progress accountable for, these past three years.

9. Progress Energy has trespassed on my property once a month, for every month since December 21, 2001, until November 29, 2004. Progress and your Office and PSC have done nothing about it despite my many protests. There has been no electric service to my residence since December 21, 2001. Every month Progress' meter readers have trespassed on my property and Progress has ignored my protests. Since there has been no

electric power and no use of the meter, there was no reason for Progress meter readers to trespass on my property to read the meter. Moreover they have ignored using the designated gate for access to the meters at the other two properties, and thus in violation of the PSC rules on designated access points.

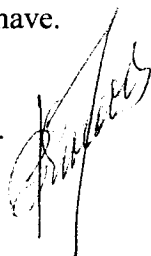
On November 29, 2004 Mr. Murphy from Progress Energy removed the unused meter from my residence stating to Mr. Weaver that **"it (the meter) serves no use, and now there is no reason why the meter readers should trespass on the property."** See Mr. Weaver's separate affidavit on that point. Progress should have removed its meter on December 21, 2001 instead of waiting until November 29, 2004 to remove the instrument that caused it to trespass on my property for no legitimate reason. Progress shall be charged for trespass damages at the appropriate time. Your Office and PSC did nothing to prevent this trespass despite my requests.

10. Once again for the record, I am reminding you and through you, your Office (ORS) and the PSC, that I am holding the SCPSC, ORS, and Progress Energy, and the respective personnel involved in this case, individually, liable and obligated for any and all damages and losses, trespass, severe emotional distress, disturbance, nuisance and harassment, breach of public trust, gross negligence and incompetence, in violation of State statutes and SCPSC/ORS rules, concerning my case, both personally, corporately, jointly and severally. Following completion of all regulatory procedures and requisite Administrative Review, I shall file suit as appropriate in the proper manner at the proper time. Based on past experience to date, there will be no relief from me forthcoming from the PSC or the ORS both of which I consider to be nothing more than puppets for the utilities.

11. For the record you are again reminded that I suffered a stroke as a direct result of Progress Energy's illegal disconnect in December 21, 2001 during a snow storm on a Friday during holiday season at Christmas, denial of normal household use of electricity since December 2001, and Progress Energy's persistent subsequent malicious nuisance and harassment related to its bogus illegal allegations and actions concerning its meter readers, all of which you and the PSC are well acquainted.

12. Finally, on medical grounds if no other, I demand that your Office and through your Office, the SCPSC, immediately instruct Progress Energy to connect electric service to my residence at 1253 Harllees Bridge road, Dillon SC 29536 forthwith, under my name and a new account number. Progress Energy's dispute over any billing prior to December 21, 2001, is with Mr. Weaver, not me. I do not owe Progress Energy anything, and never have.

Thank you.

A handwritten signature in black ink, appearing to be "K. Weaver", written over the "Thank you." text.

Duke University Health System
Box 3376
Durham, NC 27710
phone • 919-681-6350
fax • 919-684-0820
pager 919-270-9086

Department of Social Work

Fax

To: Mrs. Weaver	From: Renee McCann, LCSW
Fax: 843-841-1606	Date: 12/29/04
Phone:	Pages: 2
Re:	CC:
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

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•Comments:

I am also faxing this letter to the Department of social services. They are agreeing to also assist us. I've emailed Dr. Secord with your questions.

Renee

EXHIBIT "E"

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

December 20, 2004

In the Matter of)	AFFIDAVIT OF GARY
)	WEAVER
Petition of Beatrice E. Weaver To)	
Investigate Disconnect Of Service By)	
Progress Energy Carolinas, Inc. And)	
For An Order to Connect Electricity)	
_____)	

AFFIDAVIT OF GARY WEAVER

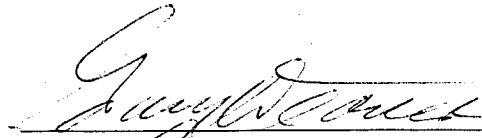
County of Dillon)	
)	
State of South Carolina)	SS.
_____)	

GARY WEAVER, being first duly sworn upon his oath, hereinafter "Affiant",
deposes and says as follows:

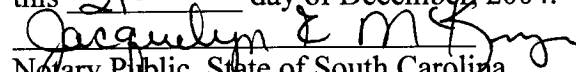
Since July 2002, I have been a legal resident of both Florence S.C. and Tempe,
Arizona. I am a retired Senior Citizen and in poor health. I make this affidavit from
personal knowledge and belief of the facts of the case, and not for any improper purpose
or to cause unnecessary delay in proceedings, or needless increase in the costs of this or
any other case before the Commission as to the parties herein. I am competent to make
this deposition and allege and aver the facts are as follows

1. Affiant is a separated husband of Beatrice E. Weaver, the Petitioner Pro Se in the above titled Petition. Affiant and Beatrice E. Weaver separated as of July 21, 2002. It is the latest in a number of such separations that have occurred over the years.
2. In 1994, Affiant contracted with Progress Energy Carolinas, Inc ("Progress"), (formerly Carolina Power and Light) through the law office of Daniel H. Shine in Dillon County, to provide electric service to the residence located at 1253 Harllees Bridge Road. Beatrice Weaver was not then and never has been a party to that contract and is not and never has been liable to Progress for any payments due on the said contract.
3. Since December 21, 2001, Affiant has informed Progress verbally and in writing several times that he alone is responsible and accountable for any debt that may be owed Progress for services rendered prior to December 21, 2001. Further, that Affiant is ready, and willing to pay any correct debt due subject to a proper reconciliation of the bundle of regulated and unregulated accounts that Progress alleged were due payment; notwithstanding Progress' continued violations of Commission rules.
4. Progress has refused and in fact is unable to provide any such accounting. The matter is now before the Court in Dillon County, S.C..
5. Beatrice Weaver is not and never has been liable to Progress for any payment on the said contract. She owes Progress nothing and electric service should be connected to her residence. Affiant is the sole party that may owe Progress any payment subject to an accounting as requested.

Further, Affiant sayeth naught.


Gary Weaver, Affiant

Subscribed and sworn before me
this 21st day of December, 2004.


Notary Public, State of South Carolina

My Commission expires: 2-8-06